

2012 Federal Qualifying Handbook

October 2011



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PART I: GENERAL INFORMATION

Explanation

The information contained in this publication is intended as a quick reference guide only and is current upon publication. Chapters 97-106, Florida Statutes, the Constitutions of the United States and of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, and other sources should be reviewed in their entirety for complete information regarding qualifying.

This handbook explains the qualifying procedures for candidates who qualify with the Division of Elections as party candidates, no party affiliation candidates, or write-in candidates for federal offices. It gives the qualifications for each office, with both the regular and petition methods of qualifying, along with write-in procedures for each office that qualifies with the Division.

Forms and publications are available on the Division of Elections' website at:

<http://elections.myflorida.com>

Please direct any questions to the Florida Department of State, Division of Elections at 850.245.6240.

This publication is available in alternate format upon request by contacting 850.245.6240

PART II: PRESIDENT AND VICE PRESIDENT

Qualifications

1. Must be a natural born citizen of the United States.
2. Must be at least 35 years of age.
3. Must be a resident of the United States for 14 years.

(Article 2, Section 1, U.S. Const.)

2012 Presidential Preference Primary

There shall be a Presidential Preference Primary Date Selection Committee composed of the Secretary of State, who shall be a nonvoting chair; three members, no more than two of whom may be from the same political party, appointed by the Governor; three members, no more than two of whom may be from the same political party, appointed by the Speaker of the House of Representatives; and three members, no more than two of whom may be from the same political party, appointed by the President of the Senate. No later than October 1 of the year preceding the presidential preference primary, the committee shall meet and set a date for the presidential preference primary. The date selected may be no earlier than the first Tuesday in January and no later than the first Tuesday in March in the year of the presidential preference primary. The presidential preference primary shall be held in each year the number of which is a multiple of four. In 2012, the Presidential Preference Primary will be on Tuesday, January 31st.

Each political party, other than a minor political party, shall submit a list to the Secretary of State of its presidential candidates to be placed on the presidential preference primary ballot, or candidates entitled to have delegates appear on the presidential preference primary ballot, by October 31, 2011.

The Secretary of State will prepare and publish a list of the names of the presidential candidates submitted not later than November 8, 2011. The Department of State will immediately notify each presidential candidate listed by the Secretary of State in writing, by registered mail, with return receipt requested.

A candidate's name shall be printed on the presidential preference primary ballot unless the candidate submits an affidavit to the Department of State on or before November 15, 2011 stating that he or she does not presently intend to become, a candidate for President at the upcoming nominating convention. The Department of State will notify the appropriate state executive committee of any candidate whose name will not be placed on the ballot.

No later than November 22, 2011, the Department of State will certify to each Supervisor of Elections the name of each candidate for political party nomination to be printed on the presidential preference primary ballot. *(Section 103.101, Florida Statutes)*

Presidential Preference Primary Timeline	
October 1, 2011	Deadline by when presidential preference primary (PPP) Date Selection Committee meets to select the date of the PPP for 2012 (Section 103.11, F.S. – Committee sets a PPP date no earlier than the 1 st Tuesday in January and no later than the 1 st Tuesday in March in each year the number of which is a multiple of 4)
October 31, 2011	Deadline for major political parties to submit a list of presidential candidates to the Secretary of State for the PPP ballot (Section 103.101, F.S. – By October 31 of the year preceding the PPP)
November 8, 2011	Secretary of State to prepare and publish a list of presidential candidates and shall also notify each candidate on the list (Section 103.101, F.S. – 1 st Tuesday after the 1 st Monday in November of the year preceding the PPP)
November 11, 2011	Last day for delegates of the presidential candidates to qualify (Section 103.101, F.S. – No later than the 2 nd Friday in November preceding the PPP)
November 14, 2011	Last day for presidential candidate to have name removed from the PPP ballot (Section 103.101, F.S. – Prior to the 2 nd Tuesday after the 1 st Monday in November preceding the PPP)
November 22, 2011	Last day for Department of State to certify the names of presidential candidates to the supervisors of elections (Section 103.101, F.S. – No later than the 3 rd Tuesday after the 1 st Monday in November of the year preceding the PPP)
December 2, 2011	Date by when state executive committee must adopt by rule the number and procedures for selection of delegates (Section 103.101(5), F.S. – At least 60 days before PPP)
January 31, 2012	The PPP is held.

Presidential Electors

On or before August 31, 2012, the state executive committee of each political party shall deliver a certified copy of a resolution naming presidential electors to the Governor. On or before September 1, 2012, the Governor shall certify to the Department of State the names of a number of electors for each political party equal to the number of senators and representatives this state has in Congress (29). The Governor shall nominate only the electors recommended by the state executive committee of the respective political party. Each such elector shall be a qualified elector of the party he or she represents who has taken an oath that he or she will vote for the candidates of the party that he or she is nominated to represent. The names of the presidential electors shall not be printed on the general election ballot, but the names of the actual candidates for President and Vice President for whom the presidential electors will vote if elected shall be printed on the ballot. The names of the candidates shall be placed on the ballot in the order of the political parties with the highest number of votes for Governor in the last general election, followed by the names of other candidates who have been properly nominated.

(Section 103.021, Florida Statutes)

Presidential electors will be elected at the general election on November 6, 2012. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State will certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes.

(Section 103.011, Florida Statutes)

When a person nominated or elected as a presidential elector is unable to serve because of death, incapacity, or otherwise, the Governor may appoint a person to fill such vacancy who possesses the qualifications required for the elector to have been nominated in the first instance. The person appointed shall file an oath with the Governor that he or she will support the same candidates for President and Vice President that the person who was unable to serve was committed to support.

(Section 103.021(5), Florida Statutes)

Minor Party Candidates

(1) A minor party affiliated with a national party holding a national convention to nominate candidates for President and Vice President may have the names of its candidates printed on the general election ballot if:

(a) by **September 1, 2012**, the minor party submits a certificate naming the candidates for President and Vice President to the Department of State; and

(b) by **September 1, 2012**, the minor party submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State. Each elector must be a qualified elector of the party he or she represents.

(2) A minor party that is **not** affiliated with a national party holding a national convention to nominate candidates for President and Vice President may have the names of its candidates printed on the general election ballot if:

(a) not later than **July 15, 2012**, petitions¹ are signed by 112,174 registered electors of the state.

(b) by **September 1, 2012**, the minor party submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State. Each elector must be a qualified elector of the party he or she represents.

(Sections 99.097 and 103.021(4), Florida Statutes)

No Party Affiliation Candidates

No party affiliation candidates may have their names printed on the general election ballot if:

(1) not later than **July 15, 2012**, petitions² are signed by 112,174 registered electors of the state.

(2) by **September 1, 2012**, the candidate submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State.

(Sections 99.097 and 103.021(3), Florida Statutes)

¹ See DS-DE 18B and the Candidate Petition Handbook for additional information.

² See DS-DE 18A and the Candidate Petition Handbook for additional information.

Write-in Candidates

Write-in candidates may have a blank space provided on the general election ballot for their names to be written in if:

- (1) the candidate files an Oath of Candidate (Form DS-DE 85) with the Division of Elections between **8 a.m., June 19, 2012 and Noon, June 26, 2012**. Form DS-DE 85 may be downloaded from the Division of Elections website at:

<http://election.dos.state.fl.us/forms/pdf/DSDE85.pdf>

- (2) not later than **September 1, 2012**, the candidate submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State.

(Section 103.022, Florida Statutes)

PART III: UNITED STATES SENATOR

United States Senators from Florida shall be elected at the general election held preceding the expiration of the present term of office, and such election shall conform as nearly as practicable to the methods provided for the election for state officers.

(Section 99.081, Fla. Stat.)

Qualifications

1. Must be a citizen of the United States for at least 9 years.
2. Must be at least 30 years of age.
3. Must be a resident of the state when elected.

(Article 1, Section 3, U.S. Const.)

Qualifying Dates and Location

Noon, June 4, 2012 – Noon, June 8, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 99.061, Fla. Stat.)

Qualification Requirements

The following items must be received by the Division of Elections **no later than noon, June 8, 2012:**

Candidates Paying the Qualifying Fee:

1. Party Affiliation Candidates: Form DS-DE 27, Federal Office Loyalty Oath, Oath of Candidate and Statement of Party; or

No Party Affiliation Candidates: Form DS-DE 27B, Federal Office Loyalty Oath and Oath of Candidate.

2. Qualifying Fee:

Party Affiliation Candidates: \$10,440 – 6% of annual salary as of July 1, 2011; or

No Party Affiliation Candidates: \$6,960 – 4% of annual salary as of July 1, 2011.

The qualifying fee must:

- Be on a properly executed check;
- Be made payable to the Department of State;
- Be drawn upon the campaign account; and
- Be in an amount not less than the fee required.

If a candidate's check is returned by the bank for any reason, the Department of State shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided will disqualify the candidate.

(Sections 99.061 and 99.092, Fla. Stat.)

Candidates Qualifying By the Petition Process – 112,174 signatures required³:

Party Affiliation Candidates: Form DS-DE 27, Federal Office Loyalty Oath, Oath of Candidate and Statement of Party; or

No Party Affiliation Candidates: Form DS-DE 27B, Federal Office Loyalty Oath and Oath of Candidate.

(Sections 99.061, 99.095, 99.0955 and 99.097, Fla. Stat.)

Write-in Candidates:

Form DS-DE 27A, Federal Office Loyalty Oath and Oath of Candidate for Write-in Candidates.

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 99.061(7)(b), Fla. Stat.)

³ See DS-DE 104 and the Candidate Petition Handbook for additional information.

PART V: UNITED STATES REPRESENTATIVE

A Representative to Congress shall be elected in and for each congressional district at each general election.

(Section 99.091, Fla. Stat.)

Qualifications

1. Must be a citizen of the United States for at least 7 years.
2. Must be at least 25 years of age.
3. Must be a resident of the state when elected.

(Article 1, Section 2, U.S. Const.)

Qualifying Dates and Location

Noon, June 4, 2012 – Noon, June 8, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 99.061, Fla. Stat.)

Qualification Requirements

The following items must be received by the Division of Elections **no later than noon, June 8, 2012:**

Candidates Paying the Qualifying Fee:

1. Party Affiliation Candidates: Form DS-DE 27, Federal Office Loyalty Oath, Oath of Candidate and Statement of Party; or

No Party Affiliation Candidates: Form DS-DE 27B, Federal Office Loyalty Oath and Oath of Candidate.

2. Qualifying Fee:

Party Affiliation Candidates: \$10,440 – 6% of annual salary as of July 1, 2011; or

No Party Affiliation Candidates: \$6,960 – 4% of annual salary as of July 1, 2011.

The qualifying fee must:

- Be on a properly executed check;
- Be made payable to the Department of State;
- Be drawn upon the campaign account; and
- Be in an amount not less than the fee required.

If a candidate's check is returned by the bank for any reason, the Department of State shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided will disqualify the candidate.

(Sections 99.061 and 99.092, Fla. Stat.)

Candidates Qualifying By the Petition Process – 2,298 Signatures Required⁴:

Party Affiliation Candidates: Form DS-DE 27, Federal Office Loyalty Oath, Oath of Candidate and Statement of Party; or

No Party Affiliation Candidates: Form DS-DE 27B, Federal Office Loyalty Oath and Oath of Candidate.

(Sections 99.061, 99.095, 99.0955 and 99.097, Fla. Stat.)

Write-in Candidates:

DS-DE 27A, Federal Office Loyalty Oath and Oath of Candidate for Write-in Candidates.

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 99.061(7)(b), Fla. Stat.)

⁴ See DS-DE 104 and the Candidate Petition Handbook for additional information.